

April 2, 2023

Santa Barbara Local Agency Formation Commission  
 105 East Anapamu Street  
 Santa Barbra, CA 93101

**Re: SBLAFCO Meeting April 3, 2023; Business Item No 3 - LOCS D Extension**

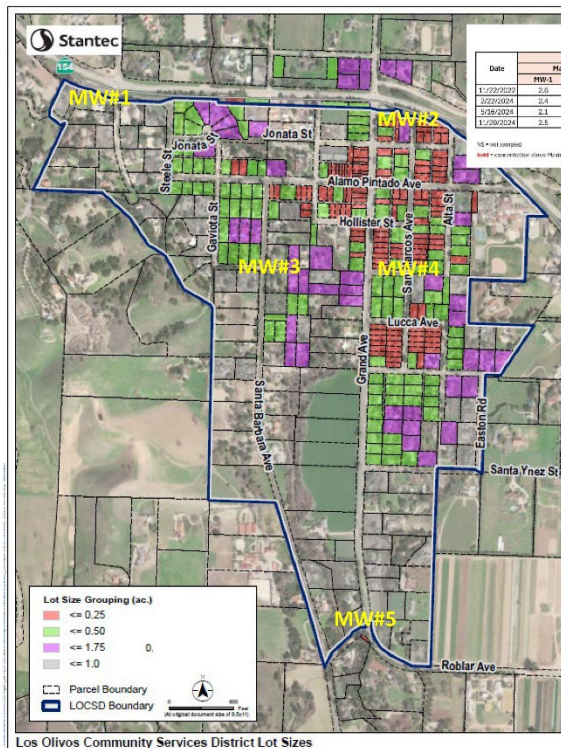
Dear Honorable Commissioners:

As you are well aware, “the State of California created a LAFCO in each county [to discourage urban sprawl and encourage orderly governmental boundaries](#). Although LAFCO is not empowered to alter the size or shape of the Los Olivos Special Problems Area, you are empowered –and even required – to assess whether the facts, scientific data, and law support the continued existence of the Los Olivos Community Services District (LOCS D) and its boundary as drawn back in 2017/2018.

I respectfully request that, even before considering whether to grant the LOCS D’s request for a two-year extension to get their project to a 218 vote, the Commission seriously consider whether the record as it currently exists supports maintaining the LOCS D in its current size and form, which includes **many 1+-acre parcels under and around which current groundwater monitoring shows no special or unique problems pertaining to wastewater treatment and disposal.**

Now that the LOCS D finally has groundwater monitoring data, that data shows what many had long suspected: **Nitrate levels are at or near the maximum contaminant level (MCL) only in and around the township’s downtown commercial core (MW#2) and the immediately adjacent very small lots (MW#4).**

In contrast, **Monitoring Wells #1, #3, and #5 are testing groundwater under and around larger lots (many 1+-acre lots) and do**



**THE DISTRICT**  
**372 Parcels**  
 ~40 Commercial  
 ~332 Residential  
**Annual Budget**  
 (FY 2024-25)  
**\$243,039**

**not show Nitrate levels in excess of the MCL.** As you can see, by the time the groundwater contaminated up at Monitoring Wells #2 and #4 flows beneath larger parcels and makes its way down to Monitoring Well #5 at the southernmost end of the LOCS D’s boundary, its quality is greatly improved. Thus, all the **good neighbors on the larger lots outside of the commercial core are contributing to an improvement in the groundwater quality.** (LOCS D’s records confirm that the groundwater flows north to south.)

Why, then, should parcels that are **not** contributing to the degradation of groundwater quality – and that are, in fact, contributing to **improving** the groundwater quality – be asked to continue to pay assessment fees and to pay, in perpetuity, for the construction and O&M (operation and maintenance) of an oversized, growth- and sprawl- inducing collection and treatment system that will benefit the relative handful of downtown parcels actually contributing to the problem?

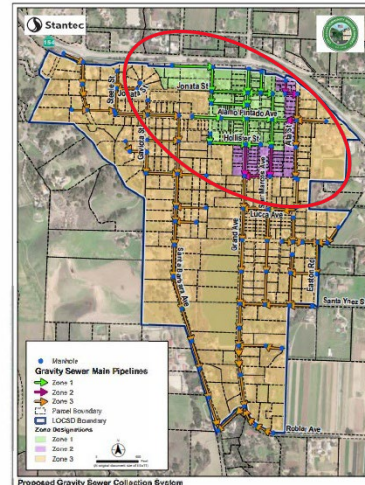
At the time the LOCS D was formed, there was a glaring lack of contemporaneous groundwater monitoring data, and that resulted in guesstimates about a rapid and continuing increase in the level of Nitrates contaminating the groundwater in and around the community.

Science has now demonstrated that those concerns were largely unfounded. The larger parcels are doing just fine. The “urbanized” portion of Los Olivos township -- the downtown commercial core and the surrounding very small lots – are contributing to the problem.

It is concerning that, seven years after its formation, the LOCS D now comes to you seeking another two-year extension to get to a 218 vote on a septic-to-sewer project that was, at least originally, meant to protect the community’s groundwater quality and get the areas with the greatest density and smallest parcels off individual septic systems and onto some type of community system. In effect, **the LOCS D is asking for an opportunity to impose a tax, in perpetuity, on landowners that are demonstrably not a cause of the elevated Nitrate levels in the groundwater underneath the community’s commercial core** (40 commercial parcels and some number of adjacent, very-small residential parcels).

The [LOCS D’s now rather long and convoluted](#) history (I will be happy to provide you all the supporting records if you need them), reflects that the LOCS D Board originally had a plan (endorsed by EHS, RWQCB, and all relevant stakeholders) to address the **downtown core and immediately adjacent very-small lots**. These are the lots contributing to the problem, and these are the lots that should be included inside the LOCS D’s boundary and that should pay for a collection and treatment system.

It was not until [Hillary Hauser and Heal the Ocean, well intentioned as they may have been, came on the scene in the summer of 2021](#), that the LOCS D became consumed with the idea that the LOCS D



needed to design a District-wide system that would include and connect all 372 parcel inside the District's boundaries to a centralized collection and treatment system. This is (and was), however, not true. What the LOCSD needs to do is address groundwater contamination where it is occurring.

**Scientific data now shows that the majority of the 372 parcels inside of the LOCSD's current boundary are not contributing to a degradation of the groundwater quality.**

My greatest concern is that the LOCSD and the RWQCB are now well aware of these facts. Per the LOCSD's December 2024 groundwater monitoring results:

Based upon review of the analytical results, there are a few key observations:

- **Nitrate (as N) concentration** from groundwater samples collected at MW-2 (12 mg/L) and MW-4 (13 mg/L), are above the maximum contaminant level (MCL) of 10 mg/L for nitrate as they have been previously. Nitrate concentrations in MW-1, MW-3 and MW-5 were below the Maximum Contaminant Level (MCL).
- **Total Dissolved Concentrations in MW-2 (1,180 mg/L) and MW-4 (1,140 mg/L) exceed the Secondary MCL** of 1,000 mg/L.
- Nitrite (as N) was **non-detected** in all samples.

All the concentrations from this monitoring event are within the historical range for each well.

See [page 2 of 48 in November 2024 GSI Water Solutions Technical Memorandum](#).

I dearly hope the LOCSD is not spending money on and pursuing large, expensive systems because it can rely on owners of larger, residential parcels to help pay for a problem they are neither creating nor exacerbating. The LOCSD's own (very costly) studies to date show that the per-parcel cost of any of "whole district" plan would impose costs on landowners that would greatly exceed the cost of simply installing an advanced onsite system on their parcels when their existing septic systems fail.

Additionally, many of the larger parcels that are not contributing to polluting the groundwater are located a considerable distance from the handful of large streets under which the LOCSD plans would run a growth-inducing gravity sewer system. To the best of my knowledge, the LOCSD has never disclosed to the owners of those larger, "distant" parcels that -- on top of any LOCSD assessment fee they would be required to pay -- they would **also** be solely responsible paying to put in a lateral connection (and possibly an additional grinder pump) out of their own pocket. Such lateral connections for the larger, more remote parcels would very likely **exceed the cost of installing a new advanced onsite system when their current system fails**. How is that fair or just?

**2024 – 30% Design Documents**

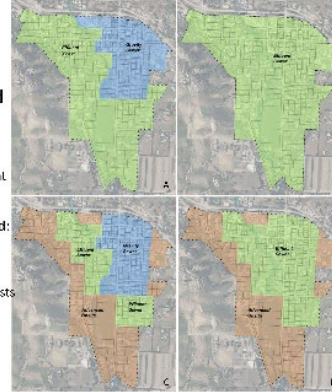
Effluent / Hybrid Approach – Some treatment and collection on individual parcels

| Option                                       | Collection System Subtotal | Advanced Onsite Subtotal |
|--|----------------------------|--------------------------|
| A – Gravity Sewer & Effluent Sewer           | \$25,503,016               | \$0                      |
| B – Effluent Sewer all Zones                 | \$21,637,492               | \$0                      |
| C – Gravity Sewer, Effluent Sewer & Advanced | \$23,064,728               | \$6,734,000              |
| D – Effluent Sewer & Advanced                | \$18,669,808               | \$6,734,000              |

Finding the optimal mix that is supported by the Community

- Gravity collection
- Effluent collection / Treatment
- Advanced onsite

- Still questions to be answered:
- Ownership
  - Easements
  - Capital (construction) costs
  - Operations / Maintenance costs



**2021 - 30% Design Documents**

Gravity fed collection + MBR treatment Option



|              | North Option        | South Option        |
|--------------|---------------------|---------------------|
| Zone 1       | \$30,300,000        | \$28,700,000        |
| Zone 2       | \$ 1,700,000        | \$ 1,700,000        |
| Zone 3       | \$15,800,000        | \$15,800,000        |
| <b>Total</b> | <b>\$47,800,000</b> | <b>\$46,200,000</b> |

\* Does not include laterals from homes, septic system removal

\$125,000 per parcel,  
 PLUS: laterals, removal of existing septic system, effluent disposal

As a result of the forgoing, it certainly looks like something more along the lines of a [Business Improvement District](#) is warranted here.

Sincerely,

Kathryn Lohmeyer Rohrer